

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FREDERIC C. PRADO,

Plaintiff(s),

v.

CITY OF LAS VEGAS CODE  
ENFORCEMENT,

Defendant(s).

Case No.: 2:18-cv-02293-APG-NJK

**REPORT AND RECOMMENDATION**

Plaintiff is proceeding in this action *pro se*, and submitted partial initiating documents in this case on December 3, 2018. Docket No. 1. Plaintiff has not, however, submitted the required filing fee or requested authority to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. *See* Docket.

In addition, Plaintiff did not state any specific allegations in the complaint itself. Docket No. 1-1. A properly pled complaint must provide “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed.R.Civ.P. 8(a)(2); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). While Rule 8 does not require detailed factual allegations, it demands “more than labels and conclusions” or a “formulaic recitation of the elements of a cause of action.” *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009) (citing *Papasan v. Allain*, 478 U.S. 265, 286 (1986)). The court must accept as true all well-pled factual allegations contained in the complaint, but the same requirement does not apply to legal conclusions. *Iqbal*, 129 S.Ct. at 1950. Mere recitals of the elements of a cause of action, supported only by conclusory allegations, do not

1 suffice. *Id.* at 1949. Secondly, where the claims in the complaint have not crossed the line from  
2 plausible to conceivable, the complaint should be dismissed. *Twombly*, 550 U.S. at 570.

3 On December 4, 2018, the Court ordered that Plaintiff must either make the necessary  
4 arrangements to pay the filing fee or file an application to proceed *in forma pauperis* by January  
5 4, 2019. Docket No. 3 at 2. The Court also ordered Plaintiff to file a complaint that complies with  
6 Rule 8 and relevant caselaw by January 4, 2019. *Id.* Plaintiff did not pay a filing fee, file an  
7 application to proceed *in forma pauperis* or file an amended complaint. *See* Docket.

8 In light of the above, the undersigned **RECOMMENDS** that Plaintiff's complaint be  
9 **DISMISSED** without prejudice.

10 Dated: January 14, 2019

11   
12 Nancy J. Koppe  
13 United States Magistrate Judge

14 **NOTICE**

15 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be  
16 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The  
17 Supreme Court has held that the courts of appeal may determine that an appeal has been waived  
18 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142  
19 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file  
20 objections within the specified time and (2) failure to properly address and brief the objectionable  
21 issues waives the right to appeal the District Court's order and/or appeal factual issues from the  
22 order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*  
23 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).